

REMARKS

After entry of the present Amendment, Claims 1-6 and 9-20 remain pending in the subject application with Claims 1 and 9 in independent form. Claims 7 and 8 are cancelled. No claims are amended or withdrawn in the present Amendment.

Claims 7 and 8 stand rejected under 35 U.S.C. §§ 101 and 112, second paragraph, for claiming a use without setting forth any steps involved in the method/process. Claims 7 and 8 are cancelled in the present Amendment. Thus, the 35 U.S.C. §§ 101 and 112, second paragraph, rejections of Claims 7 and 8 are now moot.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. Appl. Publ. No. 2004/0253436 to Heeks et al. (the '436 publication) in view of U.S. Pat. No. 5,401,570 to Heeks et al (the '570 patent) and U.S. Pat. Appl. Publ. No. 2002/0146575 to Shudo (the '575 publication).

With regard to the rejection of claims 1-20 over the '436 publication in view of the '570 patent and the '575 publication, the Applicants respectfully point out the subject application's claim of priority to Japanese Patent App. No. 2003-110557 (the JP '557 application), which antedates publication of the '436 publication. More specifically, the JP '557 application was filed on April 15, 2003, and the '436 publication was not filed until June 13, 2003. Thus, the '436 publication is not prior art. In recognizing the Applicants' claim of priority, the Examiner has noted within this rejection that a translation of the JP '557 application is not of record and, therefore, the foreign claim of priority was not available to obviate the rejection of claims 1-20 over the '436 publication. Thus, the Applicants submit herewith a translation of the JP '557

application, along with a "Statement of Accuracy of the Translation" executed by a person skilled in both the Japanese language and the English language to attest to the accuracy of the translation pursuant to 37 CFR §1.55. The Applicants' submission of the translation of the JP '557 application and the Statement establishes the proper claim of priority of the subject application to the JP '557 application. Therefore, the '436 publication is antedated such that the rejection of claims 1-20 over the '436 publication must be withdrawn. Because the '436 publication was the primary reference on which the Examiner's rejection was based, the Applicants respectfully request that the rejection be withdrawn in view of the now perfected claim of priority of the subject application to the JP '557 application.

In view of the foregoing, the Applicants respectfully submit that claims 1-6 and 9-20 are both novel and non-obvious over the prior art. As such, the Applicants submit that the claims are in condition for allowance, and such allowance is respectfully requested.

This response is timely filed; thus, it is believed that no further fees are presently due. However, if necessary, the Commissioner is authorized to charge Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys PLLC for any additional fees or to credit the account for any overpayment.

**Respectfully submitted,
HOWARD & HOWARD ATTORNEYS PLLC**

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Date

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